



Entered on Docket  
October 15, 2009

A handwritten signature in black ink, appearing to read "Bruce A. Markell".

Hon. Bruce A. Markell  
United States Bankruptcy Judge

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14 Attorneys for Secured Creditor THE BANK OF NEW YORK MELLON FORMERLY KNOWN AS THE  
15 BANK OF NEW YORK AS SUCCESSOR TRUSTEE TO JPMORGAN CHASE BANK,  
16 NATIONAL ASSOCIATION AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF  
STRUCTURED ASSET MORTGAGE INVESTMENTS II INC. BEAR STEARNS ALT-A  
17 TRUST, MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2005-10

18 UNITED STATES BANKRUPTCY COURT

19 DISTRICT OF NEVADA

20 In re

21 RICHARD JOHN DARSKY, JR ,

22 Debtor(s).

Bankruptcy Case No. BK-S-09-19661-BAM  
Chapter 7

23 THE BANK OF NEW YORK MELLON  
FORMERLY KNOWN AS THE BANK OF NEW  
24 YORK AS SUCCESSOR TRUSTEE TO  
JPMORGAN CHASE BANK, NATIONAL  
ASSOCIATION AS TRUSTEE FOR THE  
25 CERTIFICATEHOLDERS OF STRUCTURED  
ASSET MORTGAGE INVESTMENTS II INC.  
26 BEAR STEARNS ALT-A TRUST, MORTGAGE  
PASS-THROUGH CERTIFICATES SERIES 2005-  
27 10'S ORDER VACATING AUTOMATIC STAY  
Date: August 28, 2009  
28 Time: 1:30 P.M.

1 A hearing on Secured Creditor The Bank of New York Mellon formerly known as  
2 The Bank of New York as successor Trustee to JPMorgan Chase Bank, National Association as  
3 Trustee for the Certificateholders of Structured Asset Mortgage Investments II Inc. Bear Stearns  
4 ALT-A Trust, Mortgage Pass-Through Certificates Series 2005-10's Motion for Relief From the  
5 Automatic Stay came on regularly for hearing in the United States Bankruptcy Court before  
6 the Honorable Bruce A. Markell.

7 The court having duly considered the papers and pleadings on file herein and  
8 being fully advised thereon and finding cause therefor:

9 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic  
10 Stay of Title 11 U.S.C. Section 362 is hereby terminated as it applies to the enforcement by  
11 Secured Creditor, of all its rights in the subject property, generally described as 8717 Red Brook  
12 Drive Unit 201, Las Vegas, Nevada 89128-8447, and legally described as follows:

13 SEE LEGAL DESCRIPTION ATTACHED  
14 HERETO AS EXHIBIT A AND MADE A PART  
15 HEREOF.

16 APPROVED/DISAPPROVED

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18 \_\_\_\_\_  
19 JAMES F. LISOWSKI, SR.  
20 TRUSTEE

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ALTERNATIVE METHOD re: RULE 9021:

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

☐ The court has waived the requirement of approval under LR 9021.

☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

☐ Approved. - Debtor(s)/Debtor(s)' Attorney/Trustee

☐ Disapproved. - Debtor(s)/Debtor(s)' Attorney/Trustee

☒ Failed to respond. - Trustee

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Submitted by:

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TO JPMORGAN CHASE BANK,  
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TRUSTEE FOR THE  
CERTIFICATEHOLDERS OF  
STRUCTURED ASSET  
MORTGAGE INVESTMENTS II  
INC. BEAR STEARNS ALT-A  
TRUST, MORTGAGE PASS-  
THROUGH CERTIFICATES  
SERIES 2005-10

### **EXHIBIT "A"**

All that certain real property situated in the County of Clark, State of Nevada, described as follows:

**PARCEL ONE (1):**

An undivided 1/36 interest as tenant in common in and to Phase 3 of AMENDED FINAL MAP OF RED HILLS AT THE PUEBLO, as shown by map thereof on file in Book

71 of Plats, Page 5 and as shown by map there on file in Book 81 of Plats, Page 12, and amended by that certain Certificate of Amendments recorded January 12, 1996 in Book 960112 as Instrument No. 00846 in the Office of the County Recorder of Clark County, Nevada..

EXCEPTING THEREFROM THE FOLLOWING all units in all Residential areas designated as Exclusive Use Easements shown upon the Plat referred to above.

AND RESERVING THEREFROM, the right to possession of all those areas designated as Exclusive Use Easements shown upon the Plat referred to above.

AND FURTHER RESERVING THEREFROM for the benefit of owners in future development, non-exclusive easements on, over and under the Common Area as defined and shown upon the Condominium Plat referred above for ingress, egress and recreational use, subject to the terms and as more particularly set forth in the Master Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Summerlin Community Association, recorded September 25, 1990 in Book 900925 as Document No. 01274, and Amended and Restated Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Summerlin North Community Association recorded August 15, 1997 in Book 970815 as Document No. 006592 and as further set forth in the Declaration of Covenants, Conditions and Restrictions and Reservation of Easement for Red Hills Condominiums, recorded June 18, 1996 in Book 960618 as Document No. 00136, as the same may be amended and/or supplemented, of Official Records, excepting from the Common Area any Residential Buildings therefrom and any portion thereof which is designated as Exclusive Use Easements.

**PARCEL TWO (2):**

Living Unit Two Thousand Three Hundred Thirty-two (2332) in Building Twenty-three (23) of AMENDED FINAL MAP OF RED HILLS AT THE PUEBLO, as shown by map thereof on file in Book 71 of Plats, Page 5, and as shown by map thereof on

file in Book 81 of Plats, Page 12, in the Office of the County Recorder of Clark County, Nevada, together with the garage appurtenant to said Unit as defined in Section 1.16 and 4.04 of the Covenants, Conditions and Restrictions and Reservation of Easement for RED HILLS CONDOMINIUMS.

PARCEL THREE (3)

A non-exclusive easement for ingress, egress and recreational use, over and under the Common Areas and Private Streets of AMENDED FINAL MAP OF RED HILLS AT

THE PUEBLO, on file in Book 71 of Plats, Page 5, and amended in Book 81 of Plats, Page 12, and amended by that certain Certificate of Amendment recorded January 12, 1996 in Book 960112 as Document No. 00846, in the Office of the County Recorder of Clark County, Nevada and future Units, which easement is appurtenant to Parcels One (1) and Two (2) described above.

PARCEL FOUR (4):

An exclusive easement appurtenant to Parcels No. 1 and No. 2 described above, over areas defined and described as Limited Common Elements in the Declaration and as shown and assigned on the Map.

Assessor's Parcel Number: **138-20-819-138**